

## **APPOINTMENT OF THE INDEPENDENT PERSON**

### **COUNCIL – 16 October 2012**

Report of the: Monitoring Officer

Status: For Decision

Key Decision: No

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**Executive Summary:** This report seeks appointments to be made for the roles of Independent Person and reserve Independent Person for the new regime on Members Standards introduced by the Localism Act 2011.

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**This report supports the Key Aim of effective management of Council resources**

**Head of Service** Head of Legal and Democratic Services and Monitoring Officer – Mrs Christine Nuttall

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**Recommendation:** The Recruitment Panel recommends to the Council that:

(a) Mr John Henderson be appointed as the Independent Person.

(b) Mr Andrew Smith be appointed as the reserve Independent Person

for the purposes of the Localism Act 2011 and these appointments be effective forthwith.

NOTE: Any appointment must be made by a majority of the Members of the Council.

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**Reason for recommendation:** To comply with the requirements of Section 28 of the Localism Act 2011.

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### **Introduction**

- 1 At its meeting on 24 July 2012, Full Council considered a report on the new arrangements relating to Member's conduct required as a result of the provisions of the Localism Act 2011. The legislation requires that the views of the Independent Person must be sought on a complaint referred for investigation before the outcome of the complaint is determined. Also, the Member who is the subject of a complaint may discuss the matter with the Independent Person. In addition, Full Council adopted procedures for dealing with misconduct complaints which requires the Monitoring Officer to consult the Independent Person as part of the Assessment Process.
- 2 Council authorised the Monitoring Officer to advertise for no less than one Independent Person. In addition to this, a panel comprising the Leaders of the Political Groups was established to set the allowances and expenses for the

Independent Person and to short-list and interview candidates, and to make a recommendation to Full Council.

- 3 The Panel agreed that an allowance of £1,000 for the Independent Person and £500 for a reserve Independent Person should be paid in addition to the usual travel expenses.
- 4 Section 28(8)(c)(iii) of the Act requires any appointment to be approved by a majority of the members of the Council (i.e. at least 28 members in favour)

### **Application Process**

- 5 In accordance with the requirements of the Act, applications for the position of Independent Person were invited by advertisement on the Council's website and via a press release which resulted in articles in at least one local paper. Following this advertisement, five applications were received by the closing date of 5pm on 27<sup>th</sup> August 2012 and interviews were held over two days on 10<sup>th</sup> September 2012 and 5<sup>th</sup> October 2012.
- 6 The Independent Persons Interview Panel comprised Councillor Peter Fleming (Leader of the Conservative Group), Councillor Mark Fittock (Leader of the Labour Group) and Councillor Roger Walshe (Leader of the Liberal Democrat Group). The Democratic Services Manager was also in attendance to take notes on behalf of the Panel.
- 7 The following candidates submitted applications and were interviewed by the Panel:

#### Mr David Bonner

Mr Bonner, a resident of Sevenoaks, is a retired Civil Servant who worked in the Ministry of Defence for more than 33 years. Mr Bonner had experience of dealing with disciplinary and ethical issues with the Civil Service.

#### Mr John Henderson

Mr Henderson, a resident of Leigh and a former Police Officer, is a part-time Office Manager for a Publication Company. Mr Henderson has been a Member of the Governing Body of Leigh School since 2004 and is currently Chairman of the Governors. Mr Henderson was an independent member of the Sevenoaks District Council Standards Committee under the previous arrangements.

#### Mr Patrick Michaels

Mr Michaels, a resident of Sevenoaks, is a retired Postal Executive. Since retiring, Mr Michaels had been working at Sevenoaks Magistrates Court supporting witnesses involved in the Court process. Mr Michaels has also trained as a mediator with West Kent Mediation, assisting in the resolution of conflict.

#### Mr James Reece

Mr Reece, a resident of Bexhill-on-Sea, is a Trustee of the East Sussex Disability Association, Chairman of Kent Ambulance Patient and Public Forum and a Magistrate, sitting at the Central Kent Branch. Mr Reece was an independent

member of the Sevenoaks District Council Standards Committee under the previous arrangements.

#### Mr Andrew Smith

Mr Smith, a resident of Sevenoaks and a retired Management Consultant, is Chairman of Citizen Rights for Older People. Mr Smith was independent Vice-Chairman of the Sevenoaks District Council Standards Committee under the previous arrangements.

### **Interview Process**

- 8 Interviews were conducted over two days. Four candidates were interviewed on Monday 10<sup>th</sup> September and one candidate was interviewed on Friday 5<sup>th</sup> October.
- 9 All five candidates were scored against the same assessment criteria drawn from the job description and person specification. The Interview Panel asked the same questions to all of the candidates to ensure consistency.
- 10 The interview Panel, after thorough examination of the job description, person specification, application forms and interviews have recommended that the Council appoint Mr Henderson as the Independent Person and Mr Smith as the Reserve Independent Person. The Panel felt that both candidates had a good knowledge and understanding of Standards. The Panel recognised that, from his work with the Police Service, Mr Henderson had previous experience of both roles required of the Independent Person – that of instigator of an investigation and supporter of an individual with a complaint against them. The Panel expected that the Independent Person and Reserve Independent Person would communicate regularly to ensure continuity in decision making.

### **Key Implications**

#### Financial

In accordance with the process approved by Council on 24<sup>th</sup> July 2012, the Interview Panel agreed that the position of Independent Person should attract an allowance of £1000 per annum and the position of reserve £500. These sums can be contained within the existing Members Allowances budget that includes provision for payments to the Independent and Town/Parish Members of the previous Standards Committee.

#### Community Impact and Outcomes

As the legislation sets out clearly that an authority must promote and maintain high standards of conduct by Members and Co-opted Members of the Authority, the Community should not be aware of any impact or outcomes as it is anticipated that a seamless transfer to the new system will take place.

#### Legal, Human Rights etc.

The Council is required by the Localism Act 2011 to appoint at least one Independent Person as part of the arrangements in place to demonstrate the promotion of good ethical governance. It provides an opportunity to retain confidence in the ethical

governance of the District, Town and Parish Councils and demonstrates a commitment to public accountability for the actions of the Members.

### Equality Impacts

It is suggested that there are no specific equality implications arising from these proposals. These proposals do not have any particular implications regarding one “protected group” over another. The appointment followed an open recruitment process ensuring that the recommended candidates were selected on merit.

### **Background Papers:**

The Localism Act 2011 – The New Standards Regime (Monitoring Officer’s Report to Council – 24 July 2012)

Candidate Application Forms (The recruitment documents contain personal information and, as such, are exempt under paragraph 1 of Schedule 12A of the Local Government Act 1972 as amended.)

### **Contact Officer(s):**

Philippa Gibbs, Democratic Services Manager (Ext. 7247)

**Christine Nuttall**

**Monitoring Officer**